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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kennedy, T. S. <i>et al.</i>	Examiner: Alimenti, S. C.
Application Serial No.: 10/699,587	Art Unit: 3644
Filed: October 31, 2003	Atty. Docket No.: RCX-022.01
Title: <i>Trays for Growth Plugs, and Methods of Producing Them</i>	

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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September 10, 2004  
Date of Signature and Mail Deposit

By: *Shirine Darvish*  
Shirine Darvish

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Examiner Alimenti:

In response to the Restriction Requirement in the above-identified application, mailed August 19, 2004, the Applicants respectfully elect without traverse **Invention I**, claims 1-23, drawn to a tray, classified in class 47, subclass 77. Further, the Applicants respectfully elect the species represented by **Figure 1**. Claims 1-11 read on the elected species.

Contrary to the Examiner's interpretation, the Applicants respectfully note that Figures 1, 2 and 3 depict three views of the same species, as explained in the Detailed Description (page 7, lines 16-20). Incidentally, to further clarify, Figures 4 and 5 depict two views of another species, one in which "about 1/8<sup>th</sup> of the way up from the bottom on two non-adjacent walls a middle

segment of identical lengths in folded into the cavity thereby creating two parallel platforms and creating either an 'H' shaped or 'I' shaped aperture at the bottom of the cavity" (page 8, lines 3-6).

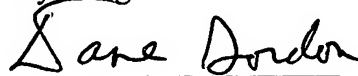
Nevertheless, the Applicants respectfully assert that simultaneous examination of Inventions I and II would not place an undue burden on the Examiner. *See* MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions.").

The Applicants also wish to note that the election of Species made herein is made solely for search purposes. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. *See* 37 CFR 1.141.

#### *Fees*

The Applicants believe that no fees are due in connection with the filing of this Response. Nevertheless, the Commissioner is hereby authorized to charge any fees due in connection with the filing of this Response to our Deposit Account, No. 06-1448.

Respectfully submitted,  
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